

THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.22140 of 2006

3rd January 2007

Between:

P.Khasim Saheb, S/o.Yerranna, 55 years, Working as Senior Assistant in the O/o.District B.C.Welfare Officer, Kadapa District.

...PETITIONER

AND

1. The Government of Andhra Pradesh, rep.by its Principal Secretary, B.C.Welfare Department, Secretariat, Hyderabad.

And three others.

...RESPONDENTS

THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.22140 of 2006

ORDER: (Per the Hon'ble Mr Justice Ramesh Ranganathan)

O.A.No.1707 of 2005 was filed questioning the proceedings in Rc.No.4637/A/2004-2 B.C.Welfare Department dated 30.03.2005 where under the proceedings of the District Collector dated 22.03.2005 were stayed until further orders. Initially interim orders were passed by the Tribunal directing the respondents to maintain *status quo*. However, on a vacate stay application being filed, the O.A. itself was disposed of by the order dated 19.04.2006 holding that the impugned order was only an interim order passed pending further examination of the case and that, in any event, the Government was competent to call for a report and pass appropriate orders. Taking note of the fact that the matter was pending before the Government, that no final orders had been passed and, the impugned order was an interim order passed by the Government pending further examination of the rival claims of the applicant as well as the party respondent, the Tribunal declined to interfere with the impugned order as interference by it, at that stage, was not called for. However, the

Government was directed to dispose of the case relating to the rival claims of the applicant as well as the party respondent expeditiously.

Thereafter, the District Collector is said to have submitted a report.

The Government issued memo dated 09.08.2006 directing that its order dated 30.03.2005 be implemented. Consequent thereto the District Collector issued proceedings dated 17.08.2006 transferring the petitioner to the office of the Deputy Director, Social Welfare, Kadapa for want of vacancy and that the respondent, who had submitted his joining report on 14.08.2006, be admitted to duty.

Aggrieved thereby, the petitioner herein filed O.A.No.5634 of 2006. The Tribunal initially passed orders of *status quo* on 19.04.2006. However, taking note of its earlier order in O.A.No.1707 of 2005 dated 19.04.2006, the Tribunal observed that the balance of convenience did not lie in favour of the petitioner-applicant and vacated the stay.

It must be noted that the earlier order passed by the Tribunal, in O.A.No.1707 of 2005 dated 19.04.2006, has attained finality. The Tribunal, in its order in O.A.No.1707 of 2005 dated 19.04.2006, refused to interfere with the impugned order dated 30.03.2005 granting stay of the proceedings of the District Collector dated 22.03.2005. The order dated 17.08.2006 impugned in O.A.No.5634 of 2005, is an order passed

consequent to the earlier order of the Tribunal, refusing to interfere with the interim order passed by the Government. We see no reason to interfere with the interlocutory order passed by the Tribunal in V.M.A.No.1197 of 2006 in O.A.No.5634 of 2006 dated 16.10.2006. The fact, however, remains that the Tribunal in its earlier order in O.A.No.1707 of 2005 had directed the Government to dispose of the case, relating to the rival claims of the applicants as well as party respondents, expeditiously. Though the earlier order of the Tribunal is dated 19.04.2006, the matter is said to be still pending before the Government.

Sri M.Ramgopal Rao, learned counsel for the petitioner, would submit that though the District Collector had submitted a report in this regard on 14.07.2006, no orders have been passed by the Government pursuant to the orders of the Tribunal. Learned Government Pleader would submit that since the Tribunal had not fixed any time for considering the rival claims, the Government could not be faulted for not passing orders in this regard. We, therefore, consider it appropriate to direct the first respondent-Government to dispose of the case, relating to the rival claims of the petitioner and the fourth respondent, in accordance with the earlier orders of the Tribunal in O.A.No.1707 of 2005 dated

19.04.2006, within a period of two {2} months from the date of receipt of a copy of this order.

Subject to the above, the Writ Petition fails and is, accordingly, dismissed. No costs.

(B.PRAKASH RAO, J)

(RAMESH RANGANATHAN, J)

3rd January 2007
RRB